

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B - 207830

DATE: June 23, 1982

MATTER OF: Puget Sound Services

DIGEST:

Bidder which selects other than registered or certified mail when using Postal Service for delivery of bid assumes risk of late delivery, and therefore late bid sent by regular mail cannot be accepted even if postmarked five days prior to bid opening.

Puget Sound Services (Puget) protests the rejection by the Department of the Air Force (Air Force) of its bid as late under invitation for bids F08651-82-B-0074 for commissary custodial services. We deny the protest.


Puget states that it sent a bid by regular mail on May 25, 1982 for a June 1 bid opening, which the Air Force received on June 2. Puget asserts that the late receipt was due to the mishandling on the part of the U.S. Postal Service and that the bid should be considered in light of the May 25 postmark on the bid envelope.

We find that the contracting officer properly rejected Puget's bid. As we frequently have stated, bidders ultimately are responsible for timely arrival of their bids. Moore's Cafeteria Services, Inc., B-205943, January 12, 1982, 82-1 CPD 29. The only circumstances under which the Defense Acquisition Regulation (DAR) permits late bids to be considered is if they are sent by registered or certified mail not later than the fifth calendar day before bid opening, or if a mailed or telegraphed bid is received late due solely to mishandling after its receipt at a Government installation. See DAR §§2-303, 7-2002.2.

Puget's bid was not sent by registered or certified mail and was not received at the installation until the day following the bid opening. A bidder which elects other than registered or certified mail when using the Postal Service for delivery of its bid assumes the risk of late delivery. Therefore, the late bid cannot be considered even though it was postmarked five days prior to bid opening. Penco Products, Inc. B-196529, November 2, 1979, 79-2 CPD 317.

Under the circumstances, the contracting officer's refusal to consider Puget's late bid was proper.

The protest is summarily denied.

for 
Comptroller General
of the United States